

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

EMERY SUNDAY,

Plaintiff,

vs.

MICHAEL J. ASTRUE, Commissioner  
of Social Security,

Defendant.

No. CV 08-075-TUC-CKJ (JJM)

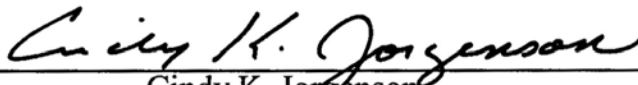
**ORDER**

On February 9, 2009, Magistrate Jacqueline J. Marshall issued a Report and Recommendation [Doc. #11] in which she recommended that Defendant's Motion to Dismiss [Doc. #10] be granted. No objections have been filed within the time provided by 28 U.S.C. § 636(b)(1).

Accordingly, after an independent review, IT IS ORDERED:

1. The Report and Recommendation [Doc. #11] is ADOPTED;
2. Defendant's Motion to Dismiss [Doc. #10] is GRANTED; and
3. The Clerk of the Court shall enter judgment in this matter, and close its file.

DATED this 31<sup>st</sup> day of March, 2009.

  
Cindy K. Jorgenson  
United States District Judge